

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>SUPER 8 MOTELS, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:06-cv-00206-MHT</b>
	)	
<b>JALA INVESTMENTS, INC., et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Federal Rule of Civil Procedure 26(f) and the Court's Order March 31, 2006, a meeting was held on April 21, 2006 via telephone and was attended by:

- Kelly F. Pate on behalf of Plaintiff Super 8 Motels, Inc.
- Perry G. Jackson on behalf of Jala Investments, Inc.

1. **Pre-Discovery Disclosures.** The parties will exchange the information required by Federal Rule of Civil Procedure 26(a)(1) on or before May 5, 2006.
2. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

The likely subjects of discovery are: (a) whether Defendant used an online media distribution system to copy and/or distribute Plaintiffs' copyrighted recordings without authorization in violation of Plaintiffs' exclusive rights under the Copyright Act; (b) whether such infringement was willful; (c) the amount of Plaintiffs' statutory damages, attorneys' fees, and costs; and (d) the issuance of injunctive relief.

- a. All discovery commenced in time to be completed by January 8, 2007.
- b. Maximum of 40 interrogatories by each party to each party. Responses due 30 days after service.
- c. Maximum of 40 requests for admission by each party to each party. Responses due 30 days after service.
- d. Maximum of 40 requests for production of document by each party to each party. Responses due 30 days after service.

- e. Maximum of 5 depositions by Plaintiffs to Defendant and 5 by Defendant to Plaintiffs. Depositions limited to eight hours.
- f. Reports from retained experts under Rule 26(a)(2) due:  
  
from Plaintiff by September 8, 2006; and  
from Defendants by September 22, 2006.
- g. Supplementation under Rule 26(e) due reasonably upon knowledge of additional information.

3. **Other Items.**

- a. The parties do not request a conference with the Court before entry of the scheduling order.
- b. The parties request a pretrial conference on or around January 16, 2007.
- c. Plaintiffs should be allowed until November 9, 2006 to join additional parties and to amend the pleadings.  
  
Defendant should be allowed until November 16, 2006 to join additional parties and to amend the pleadings.
- d. All potentially dispositive motions should be filed on or before October 10, 2006.
- e. Settlement cannot be realistically evaluated prior to the completion of preliminary discovery.
- f. Final lists of trial evidence under Federal Rule of Civil Procedure 26(a)(3), both witnesses and exhibits, should be due from the parties on or before January 28, 2007.
- g. Parties should have 14 days (February 11, 2006) after service of final lists of trial evidence to list objections under Rule 26(a)(3).
- h. The case should be ready for trial by this Court's February 26, 2007 trial term. At this time, the trial is expected to take approximately 2 days, excluding jury selection.

Respectfully submitted this 25th day of April, 2006.

/s Kelly F. Pate

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Kelly F. Pate (FIT014)

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/s Perry G. Jackson

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